

AFFIDAVIT OF SERVICE

Index #: 07 CV 4049

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: May 23, 2007

Date Filed:

Court Date:

COUNTY

ATTORNEY(S): Allison D. Penn AUSA : U.S. Attorney's Office - SDNY PH: 212-637-2725

ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:

UNITED STATES OF AMERICA,

vs.

FREDERICK HOLZER, et al.,

Plaintiff(s)/Petitioner(s)

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU

SS.:

RALPH TRAUB

, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years

of age and resides in New York State. On May 26, 2007 at 10:30 AM

at 335 EAST 51ST STREET APT #3D NEW YORK, NY 10022, deponent served the within

Summons In A Civil Case, Complaint, Judge's Rules, and Electronic Case Filing Notice

with Index Number 07 CV 4049, and Date Purchased May 23, 2007 endorsed thereon,

on: FREDERICK HOLZER, Defendant therein named.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION ☐ By delivering to and leaving with _____ and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON ☒ By delivering a true copy of each to "JOHN DOE" - CONCIERGE/DOORMAN a person of suitable age and discretion. Said premises is recipient's [] actual place of business [X] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business [] dwelling house (place of abode) within the state.

#5 MAIL COPY ☒ On May 26, 2007, deponent completed service under the last two sections by depositing a copy of the ABOVE DOCUMENTS to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York. Certified Mail No. _____

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called

thereat on the 24 day of May, 2007 at 4:57 PM
 on the 25 day of May, 2007 at 1:36 PM
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____

#6 NON-SRVC ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [] Unknown at Address [] Evading [] Moved left no forwarding [] Address does not exist [] Other: _____

#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
 Sex Male Color of skin White Color of hair Black/Gra Age 36 - 50 Yrs. Height 5' 9" - 6' 0"
 (use with #1, 2 or 3) Weight Over 200 Lbs. Other Features: _____

#8 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#9 MILITARYSRVC ☒ Deponent asked person spoken to whether the defendant was presently in military service of the United States Government or of the State of New York and was informed that defendant was not.

#10 OTHER ☒ "JOHN DOE" REFUSED NAME AND WOULD NOT ALLOW PROCESS SERVER ENTRY TO THE APARTMENT TO SERVE PAPERS. PERSON TO BE SERVED LIVES IN APT. 3D

Sworn to before me on this 29 day of May, 2007

BARBARA A. SHURGIN

NOTARY PUBLIC, State of New York

No. 30-500473X, Qualified in Nassau County

Commission Expires November 23, 2010

RALPH TRAUB

Server's Lic # 0792616

Invoice•Work Order # 0722423